

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES V LANG,

Plaintiff,

Case Number 11-12249

Honorable David M. Lawson

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DISMISSING
PLAINTIFF'S COMPLAINT FOR FAILURE TO PAY FILING FEE**

Presently before the Court is the report issued on June 27, 2011 by Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. § 636(b). Magistrate Judge Hluchaniuk found that the plaintiff had failed to pay the filing fee or submit an application to proceed *in forma pauperis* within the seven days permitted by the Court's Notice of Filing Fee Not Paid. The magistrate judge also found that the plaintiff had failed to response to an order to show cause why his case should not be dismissed for failure to pay the filing fee by the deadline of June 14, 2011. Therefore, he recommends dismissing the plaintiff's complaint without prejudice.

Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the report and recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the motion. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). The plaintiff has not filed objections to the magistrate judge's report and recommendation

within the time limit established by the local rules and has not paid the filing fee in the interim. Although the Court has no duty to review the report and recommendation, the Court nonetheless agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt. #5] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** for failure to pay the filing fee.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: July 15, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on July 15, 2011.

s/Deborah R. Tofil
DEBORAH R. TOFIL